



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/785,693	02/16/2001	Rocky Stewart	BEAS-01033US5	3894

7590

04/29/2004

Sheldon R. Meyer, Esq.
FLIESLER DUBB MEYER & LOVEJOY, LLP
Fourth Floor
Four Embarcadero Center
San Francisco, CA 94111-4156

EXAMINER

CHANKONG, DOHM

ART UNIT

PAPER NUMBER

2154

DATE MAILED: 04/29/2004

13

Please find below and/or attached an Office communication concerning this application or proceeding.

14

Office Action Summary

Application No.

09/785,693

Applicant(s)

STEWART ET AL.

Examiner

Dohm Chankong

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6,7,8,12 - 5-16-02</u> . | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2154

DETAILED ACTION

1. Claims 1-20 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-7 and 11-17 are rejected under 35 U.S.C 102(b) as being clearly anticipated by Marks, U.S Patent No. 5,956,491.

4. As to claim 1, Marks teaches a conversation manager for managing the flow of messages in a collaboration system, comprising:

a conversation initiation mechanism for initiating a conversation (column 9, lines 19-30);

a participation registration mechanism for registering participants in a conversation (column 7, line 65 to column 8, line 9 and column 11, lines 7-11 and claim 8); and

a conversation repository for storing conversation management data (column 7, line 65 to column 8, line 63).

Art Unit: 2154

5. As to claim 2, Marks teaches a conversation manager wherein the conversation manager controls the flow of conversation between the participants (column 8, lines 51-63 and column 10, lines 24-29).

6. As to claim 3, Marks teaches a conversation manager wherein the conversation includes a plurality of messages passed between two or more participants (column 9, lines 34 to 62 and column 11 line 56 to column 12, line 67).

7. As to claim 4, Marks teaches a conversation manager wherein the conversation manager controls a publish/subscribe service for accepting messages and sending messages to and from participants (claims 36, 39 and 40).

8. As to claim 5, Marks teaches a conversation manager wherein a registered participant may send messages to the publish /subscribe service for distribution to one or more participants (claims 35, 39, and 40).

9. As to claim 6, Marks teaches a conversation manager wherein a conversation is initiated by an initiator participant authorized to initiate conversations (column 9, lines 19-23).

Art Unit: 2154

10. As to claim 7, Marks teaches a conversation manager wherein the conversation repository includes instructions for distribution of messages sent via the publish/subscribe service to the participants (column 8, lines 27-63).

11. Claim 11 is a claim to a method which performs the steps of the machine in claim 1. Therefore claim 11 is rejected for the same reasons set forth in above paragraph 4 for claim 1.

12. Claim 12 is a claim to a method which performs the steps of the machine in claim 2. Therefore claim 12 is rejected for the same reasons set forth in above paragraph 5 for claim 2.

13. Claim 13 is a claim to a method which performs the steps of the machine in claim 3. Therefore claim 13 is rejected for the same reasons set forth in above paragraph 6 for claim 3.

14. Claim 14 is a claim to a method which performs the steps of the machine in claim 4. Therefore claim 14 is rejected for the same reasons set forth in above paragraph 7 for claim 4.

15. Claim 15 is a claim to a method which performs the steps of the machine in claim 5. Therefore claim 15 is rejected for the same reasons set forth in above paragraph 8 for claim 5.

16. Claim 16 is a claim to a method which performs the steps of the machine in claim 6. Therefore claim 16 is rejected for the same reasons set forth in above paragraph 9 for claim 6.

Art Unit: 2154

17. Claim 17 is a claim to a method which performs the steps of the machine in claim 7.

Therefore claim 17 is rejected for the same reasons set forth in above paragraph 10 for claim 7.

Claim Rejections - 35 USC § 103

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claims 8 and 18 are rejected under 35 U.S.C 103(a) as being unpatentable over Marks as applied to claims 1 and 11 above, in view of DeSimone et al (hereinafter DeSimone), U.S Patent No. 6,212,548.

20. As to claim 8, Marks does not teach a conversation manager wherein a conversation may be terminated by a terminator participant authorized to terminate conversations.

21. DeSimone teaches a conversation manager wherein a conversation may be terminated by a terminator participant authorized to terminate conversations (column 11, line 48 to column 13, line 37). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Marks to include conversation termination functionality in the participants so they may be able to leave the conversation at any time.

Art Unit: 2154

22. Claim 18 is a claim to a method which performs the steps of the machine of claim 8.

Therefore, claim 18 is rejected for the same reasons as set forth in above paragraph 22 for claim 8.

23. Claims 9 and 19 are rejected under 35 U.S.C 103(a) as being unpatentable over Marks as applied to claims 1 and 11 above, in view of Porter, U.S Patent No. 6,434,599.

24. As to claim 9, Marks does not teach a conversation manager wherein a conversation may be aborted by the conversation manager.

25. Porter teaches it is well known in the art to have a conversation manager wherein a conversation may be aborted by the conversation manager (column 8, lines 57-62). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include abort functionality into Marks' conversation manager to close of chat sessions when there are no more participants in the conversation.

26. Claim 19 is a claim to a method that performs the steps of the machine of claim 9.

Therefore, claim 19 is rejected for the same reasons as set forth in above paragraph 25 for claim 9.

Art Unit: 2154

27. Claims 10 and 20 are rejected under 35 U.S.C 103(a) as being unpatentable over Marks and DeSimone as applied to claims 1, 8, 11 and 18 above, in further view of Pinard et al (hereinafter Pinard) U.S Patent No. 6,230,287.

28. As to claim 10, Marks does not teach a conversation manager wherein participant in an aborted conversation may be compensated for automatically by a substitute participant.

29. Pinard teaches a conversation manager wherein participant in an aborted conversation may be compensated for automatically by a substitute participant (column 5, line 66 to column 6, line 11). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include participant substitution functionality into Marks so the next user can be connected to the chat room with minimal delay.

30. Claim 20 is a claim to a method that performs the steps of the machine of claim 10. Therefore, claim 20 is rejected for the same reasons as set forth in above paragraph 29 for claim 10.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dohm Chankong whose telephone number is (703)305-8864. The examiner can normally be reached on 8:00AM - 5:00PM.

Art Unit: 2154

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (703)305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DC



JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100